

**ELK TOWNSHIP COMMITTEE  
MINUTES  
SEPTEMBER 1, 2011**

The meeting of the Elk Township Committee was held on the above date in the Municipal Building. The meeting was called to order by Mayor Barbaro at 7:34PM.

The Open Public Meeting Notice was read. The Salute to the Flag and the Lord's Prayer were recited in unison.

Present were: Mr. Pantaleo, Mr. Rainey, Mrs. Sammons, Mr. Swanson, Mayor Barbaro, Mr. Duffield, Solicitor, Mr. Gaskill, Engineer, Mr. Considine, CFO, and Mrs. Pine, Township Clerk. Police Chief DeFalco was absent.

**APPROVAL OF MINUTES**

Motion by Mr. Pantaleo, seconded by Mr. Rainey to approve the minutes of the August 4, 2011 Regular Meeting, all were in favor, motion carried.

**COMMITTEE REPORTS**

Mrs. Sammons reported the Recreation Committee met and has set a date of October 15<sup>th</sup> for Derby Day, from 10am to 2pm in the Recreation Park.

The Holiday senior luncheon will be held at the end of November or the first week of December.

The committee is also revisiting the Little Miss pageant.

Mr. Swanson stated construction issued 31 permits and 30 certificates for the month of August.

He thanked the public works, fire departments, police and school for all their help and support during the storm. There were several streets that flooded and there were some problems that will need to be fixed.

Mr. Rainey attended the school board meeting and stated the school will be purchasing a pick up truck with a plow.

Elk Township Office of Emergency Management met Friday night with the township emergency responders before the storm to discuss and coordinate how they would handle emergencies during the hurricane.

The next senior luncheon will be September 19<sup>th</sup> at Ferrell Methodist Social Hall.

Crime watch will meet September 15<sup>th</sup>.

Mr. Pantaleo did not have anything to report from Economic Development.

He asked Mrs. Sammons if someone has been appointed to the position of training administrator.

Mrs. Sammons is waiting to hear from the JIF on that appointment. She will report back to committee.

Mayor Barbaro did not have anything to report for the Environmental Commission.

He thanked on behalf of the township committee, emergency management coordinator, Milton Sahms, who helped us during the hurricane over the weekend, the chief of Ferrell Fire Department, Mike Keenan, the chief of Aura Fire Department, John Wagner, the chief of Lawn's Fire Department, Randy White, and the Ferrell Ladies Auxiliary, also, Michael Moore and the Aura School Board for the opening the shelter in the school along with the municipal building. We owe them a debt of gratitude. Mayor Barbaro thanked them again for their time and service over the weekend. He was glad the storm was not as severe as anticipated.

**POLICE CHIEF REPORT**

Mr. Rainey read the report for the Chief of Police for the month of August. The department responded to 720 calls for service, 23 motor vehicle crashes with 4 injuries, issued 190 motor vehicle summons and made 23 arrests. Ptlm. Tilden attended a course on advanced roadside impaired driving and Cpl.

Wojciechowski attended mandatory recertification training. The next "Operation Take Back", prescription drug event will be held on October 29<sup>th</sup>.

### **TOWNSHIP ENGINEER REPORT**

Mr. Gaskill reported the preconstruction meeting for Cedar Bridge Road was conducted and work will begin on September 12<sup>th</sup>. They will begin work on the Clayton Avenue side and continue toward Route 55. If there is additional money available, the contractor will continue to work toward Elk Road. They will begin working on the new 2012 applications when the priority list is received from committee. Hampton Hills is working with the fire department on the hydrant. When a decision is reached and a letter is received, the engineer will review the release of the bond. The basins held and there were no problems during the hurricane.

Country Woods has submitted as built drawings.

CVS has not called for a final inspection. The drainage basin held during the recent storms.

An inspection was conducted on the Reed Branch at Elephant Swamp Park after the problem during hurricane Irene. There were some problems at Lake Garrison. The problem is an earthen dam with a 4' pipe which during a heavy rain acts as a storage reservoir in the swamp area. If it is out everything that was being held in the area is moving through down to Lake Garrison. Mr. Gaskill feels this repair is an emergency that needs to be addressed as soon as possible. This can be part of the consideration for FEMA funding as part of the disaster area. This will not be an inexpensive fix, the area is very difficult to get to. The DEP will need to be advised of the emergency repair and a wetlands permit will need to be obtained. We will not be permitted to do any enhancement on the wetlands area, we will need to replace it with the same size pipe, in the same location, at the same elevation. This is all that can be done under the emergency repair.

Mr. Gaskill stated the past 2 storms have exceeded 50% of our annual rainfall, and this was in 2 events. Both events exceeded the 100 year design and one exceeded the 500 year design. 100 year design means that 1% of the time the design will fail, 99% of the time it will work, this is.

Mr. Pantaleo asked what the anticipated cost for Elephant Swamp is going to be? Mr. Gaskill stated if the committee accepts the recommendation of the emergency, he will obtain the cost estimates. It does need to be placed on the FEMA report for possible reimbursement.

Mr. Pantaleo also asked about the Moods Road wash out. The resident explained to Mr. Pantaleo that there are 2 drains that get clogged and the resident has cleared them. Mr. Gaskill stated if the grates were clear it still would not have been sufficient to carry that amount of water. There was a wash out of some landscaping on the down stream side. We are in a very wet time and there is not a lot that can be done.

Mr. Considine asked if the pipe replacement in Elephant Swamp is large enough. Mr. Gaskill stated you do not want more to pass through the pipe than is going through now. If the pipe is larger it will change the ecosystem in the area and that is against the law. You do not want to do something that will negatively impact the area.

### **FIRE DEPARTMENT REPORT**

Mr. Rainey read the report for the Ferrell Fire Department. They responded to 42 calls for service. They have received a grant for flashlights, facemasks, gloves and boots. They received 1500' of fire hose from a resident. The fair was a success.

There was no report from Aura or Lawn's.

### **RESOLUTION R-90-2011**

#### **RESOLUTION ELEVATING CLASS RANK OF POLICE OFFICER UPON ANNIVERSARY DATE OF HIRE – William Opdyke**

Motion by Mr. Rainey, seconded by Mr. Swanson to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes

Mr. Swanson	Yes
Mayor Barbaro	Yes

#### **RESOLUTION R-91-2011**

##### **RESOLUTION MAKING APPOINTMENTS TO THE ELK TOWNSHIP ECONOMIC DEVELOPMENT COMMITTEE AND CONFIRMING SAID APPOINTMENTS**

Motion by Mr. Pantaleo, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

#### **RESOLUTION R-92-2011**

##### **RESOLUTION MAKING APPOINTMENTS TO THE ELK TOWNSHIP COMBINED PLANNING/ZONING BOARD**

Motion by Mr. Swanson, seconded by Mr. Rainey to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

#### **RESOLUTION R-93-2011**

##### **RESOLUTION ENDORSING THE BEST PRACTICES INVENTORY**

Motion by Mr. Pantaleo, seconded by Mr. Swanson to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

#### **RESOLUTION R-94-2011**

##### **RESOLUTION TO GO INTO CLOSED EXECUTIVE SESSION TO DISCUSS POTENTIAL LITIGATION (Tax Sale Certificate Block 162 Lot 1 and Construction Code Violation Block 40 Lot 11.01)**

Motion by Mrs. Sammons, seconded by Mr. Rainey to adopt and approve said resolution, all were in favor, motion carried.

#### **RESOLUTION R-95-2011**

##### **RESOLUTION APPOINTING JOHN MC CLAY AS THE ACTING ELECTRIC SUBCODE OFFICIAL OF THE TOWNSHIP OF ELK**

Motion by Mr. Swanson, seconded by Mr. Pantaleo to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

## TOPICS:

Mr. Pantaleo would like to propose to have an additional yard waste/clean up day for the residents. This will need to be coordinated with Mr. Alexander to have a Saturday in September or the beginning of October.

Mr. Pantaleo reported proposals have been received by 3 companies to erect a solar array on the municipal grounds. However, one has rescinded their proposal, Renergy. Committee discussed the 2 proposals. The focus is on the cost to the taxpayer over the 15 years. What it came down to is that Alternative Electric was at \$197,000, where the first 5 years the electric rate was fixed and the remainder is based upon a percentage. RCL came in at \$143,000 at a fixed rate over the entire 15 year proposal. Mr. Pantaleo, again commended Mr. Morella for his time and effort on this project.

Mr. Morella stated this project will have a positive impact on the taxpayer and the environment.

Mayor Barbaro asked what the average kW fixed rate would be for RCL. Mr. Pantaleo stated the fixed rate per kW for RCL is .0977 average kWh and Alternative Electric is .136 average kWh. With RCL it is projected to save approximately \$213,000 over 15 years. The current rate we are paying is .18kWh.

Mr. Swanson asked about the shingles on the concession stand, if they will have enough life left in them. That will be evaluated before installation.

Mr. Pantaleo would like committee's decision to be predicated on the solicitor's approval.

Mr. Duffield has briefly reviewed the PPA and it is a straight forward agreement. Some amendments will need to be made. There will also need to be a site license agreement.

## PUBLIC PORTION:

Motion by Mr. Swanson to open the meeting to the public, concerning the topic of the solar array seconded by Mr. Rainey, all were in favor, motion carried.

Mayor Barbaro asked if anyone had any question concerning the solar array to come forward at this time.

Sam Ragonese, 254 Unionville Road, thanked Vic Morella for the work he has done for the town. He asked if there are any other towns with a comparable system that can be contacted for advice and guidance.

Mr. Morella explained this size system is based on the kW usage of the municipal buildings.

Mr. Ragonese stated this is the time to consider this system, it is due.

Kevin Keen, 100 28<sup>th</sup> Avenue, asked about the condition of the shingles on the concession stand. The life span on shingles is 25 years and the township may want to consider replacing or putting something in the contract. He does not think putting solar over them will prolong the life of the shingles.

Fred Boeckle, Ferrell Fire Department stated when Ferrell put their system on they put the replacement of a new roof in the contract.

Motion by Mr. Rainey to close the public portion, seconded by Mr. Swanson all were in favor, motion carried.

## RESOLUTION R-96-2011

### **RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING AND AWARDING A POWER PURCHASE AGREEMENT("PPA") WITH RCL ENTERPRISES, INC/SOLAR ELECTRIC NJ, LLC FOR THE PURCHASE OF ELECTRICITY GENERATED FROM SOLAR ENERGY ON MUNICIPAL PROPERTY WITHIN THE TOWNSHIP OF ELK, GLOUCESTER COUNTY, NEW JERSEY**

Motion by Mr. Pantaleo, seconded by Mrs. Sammons to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Abstain
	Mrs. Sammons	Yes

Mr. Swanson	Yes
Mayor Barbaro	Yes

## **GLOUCESTER COUNTY REPRESENTATIVE – David Lubelski or William Bain**

### **PUBLIC PORTION:**

Motion by Mr. Rainey to open the meeting to the public, seconded by Mrs. Sammons, all were in favor, motion carried.

Mayor Barbaro asked if anyone had any issues they would like to bring to the township committees attention to come forward at this time.

Fred Boeckle, Ferrell Fire Department, stated he believes the Gloucester County mosquito control installed the pipe in Elephant Swamp Park in 1983.

Sharon Tirrell, 334 Moods Road, needs help with a drainage problem. Maybe a retention basin can be put in or possible increasing the size of the pipe or a retaining wall. There are underground wires under the driveway. They have a contractor coming to put some additional dirt in to stabilize the area. She further stated the township requested an easement when they subdivided the property.

A copy of the easement will be provided by Mrs. Tirrell.

Carl Sadlowski, 108 29<sup>th</sup> Avenue, says 29<sup>th</sup> Avenue cannot with stand water at all. Mr. Sadlowski came to Mr. Alexander before the storm for some assistance. Mr. Sadlowski stated that the problem was not created by him and it needs to be corrected.

Mr. Lubelski, stated if the township has a claim for FEMA, the information needs to be sent to Mr. Len Clark at the Office of Emergency Management as soon as possible.

Motion by Mr. Rainey to close the public portion, seconded by Mr. Swanson all were in favor, motion carried.

### **PAY BILLS:**

Motion by Mr. Rainey to Pay the Bills, seconded by Mrs. Sammons, upon roll call motion was carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

### **RECESS:**

Motion by Mr. Rainey to recess from the regular meeting, seconded by Mr. Swanson, all were in favor motion carried. The meeting recessed at 8:54pm.

Motion by Mr. Rainey to return to the meeting, seconded by Mr. Swanson, all were in favor motion carried. The meeting was called back to order at 9:49pm.

Mr. Duffield summarized the closed session. Committee discussed in detail the status of a construction code violation at 620 Elk Road, Block 40 Lot 11.01, and the authority to proceed as a result of the violations. Also an update on a tax sale certificate sold in 2001 to Mr. Peter Seher, Block 162 Lot 1 and a recommendation to reimburse the taxes paid on certificate since the certificate was sold in error, as a title search revealed that the owner was not the actual owner.

## **RESOLUTION R-97-2011**

### **RESOLUTION AUTHORIZING A REFUND TO WILLIAM P. SEHER FOR PAYMENTS MADE FOR TAXES AND A TAX SALE CERTIFICATE RELATING TO BLOCK 162 LOT 1**

Motion by Mr. Swanson, seconded by Mr. Pantaleo to adopt and approve said resolution, upon roll call motion carried.

Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes

Mr. Swanson	Yes
Mayor Barbaro	Yes

Mr. Duffield gave committee an overview of the situation at the Cerkez property, 620 Elk Road. There are numerous code and ordinance violations to the point the construction board of appeals is not sufficient. Mr. Duffield recommends we seek an injunction through the Superior Court and will need committee's authorization to proceed.

Motion by Mrs. Sammons, seconded by Mr. Rainey authorizing the solicitor to proceed with an injunction in Superior Court against the property owners of Block 40 Lot 11.01, upon roll call motion carried.

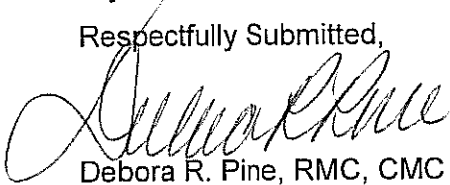
Roll Call:	Mr. Pantaleo	Yes
	Mr. Rainey	Yes
	Mrs. Sammons	Yes
	Mr. Swanson	Yes
	Mayor Barbaro	Yes

Mayor Barbaro asked Mr. Gaskill to give an estimate on paving the beginning portion of the Silver Lake Road. The estimate is below the bid threshold.

**ADJOURNMENT:**

Motion by Mayor Barbaro to adjourn, seconded by Mr. Swanson all were in favor, the meeting was adjourned at 10:05 PM.

Respectfully Submitted,



Debora R. Pine, RMC, CMC  
Township Clerk

R-90-2011

**RESOLUTION ELEVATING CLASS RANK OF POLICE OFFICER UPON ANNIVERSARY  
DATE OF HIRE**

**WHEREAS** the agreement between the Township of Elk and the Policemen's Benevolent Association of New Jersey Local #122 dated January 1, 2007 recognizes a movement in rank for Police Patrolmen upon completion of one full year of service; and

**WHEREAS** all movement in rank will be by action of the Township Committee after review of the recommendation by the Chief of Police; and

**WHEREAS** the Township Committee has received recommendation from Charles DeFalco, Chief of Police to elevate the rank of Patrolman **William Opdyke**; and

**WHEREAS** Patrolman **William Opdyke** was hired as a full time officer to the Elk Township Police Department as a recruit on August 1, 2010 and on August 1, 2011 has completed two years of continuous service thereby elevating him to the rank of Officer #6, earning an annual salary as stated in the Contract.

**NOW, THEREFORE, BE IT RESOLVED**, that patrolman **William Opdyke** be elevated in rank and entitled to salaries as stated above.

**ADOPTED** at a regular meeting of Township Committee of the Township of Elk held September 1, 2010.

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

## RESOLUTION R-91-2011

### RESOLUTION MAKING APPOINTMENTS TO THE ELK TOWNSHIP ECONOMIC DEVELOPMENT COMMITTEE AND CONFIRMING SAID APPOINTMENTS

**WHEREAS** the Township Committee of the Township of Elk has reorganized for the year 2011; and

**WHEREAS** the following appointments are hereby made to Economic Development Committee effective immediately:

#### Economic Development Committee

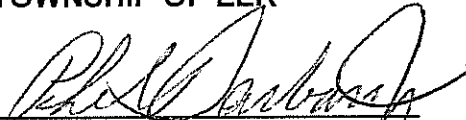
Appointee	Term Expires
Doris Brady	12/31/2013
Anna Thomas	12/31/2013
Angela Teti	12/31/2013

**WHEREAS** the Township Committee desires to move and confirm said appointments by this Resolution.

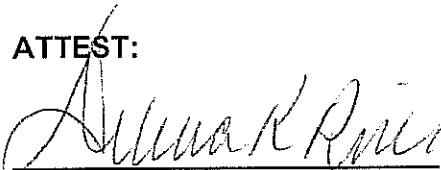
**NOW, THEREFORE, BE IT RESOLVED** that the appointment set forth above, is hereby made, accepted and confirmed upon the adoption of this Resolution,

**THIS RESOLUTION IS DULY ADOPTED** by the Township Committee of the Township of Elk at its regular meeting held on the 1<sup>st</sup> day of September 2011.

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, Township Clerk

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			



**RESOLUTION R-92-2011**

**RESOLUTION OF THE TOWNSHIP OF ELK MAKING APPOINTMENTS TO  
THE ELK TOWNSHIP COMBINED PLANNING/ZONING BOARD**

**WHEREAS** Frank Goss and Robert Clark have submitted their resignations from the Elk Township Combined Planning/Zoning Board; and

**WHEREAS** these resignations create vacancies on the Elk Township Combined Planning/Zoning Board and there is a need to fill said positions.

**BE IT RESOLVED** that Edwin Pearson fill the unexpired term of Member Frank Goss ending 12/31/2013; and

**BE IT RESOLVED** that Richard Tondo fill the unexpired term of Alt. #2 Edwin Pearson ending 12/31/2012; and

**BE IT FURTHER RESOLVED** by the Mayor of the Township of Elk that Edwin Pearson is hereby appointed as a member of the Combined Planning/Zoning Board to fill the unexpired term of Frank Goss, to begin immediately and to end on December 31, 2013.

**BE IT FURTHER RESOLVED** by the Mayor of the Township of Elk that Richard Tondo is hereby appointed as Alt. #2 of the Combined Planning/Zoning Board to fill the unexpired term of Edwin Pearson, to begin immediately and to end on December 31, 2012.

**THIS RESOLUTION IS DULY ADOPTED** by the Township Committee of the Township of Elk at its regular meeting held on the 1<sup>st</sup> day of September, 2011 at the Municipal Building, 667 Whig Lane Road, Monroeville, NJ 08343.

**TOWNSHIP OF ELK**

  
Philip A. Barbaro, Jr., Mayor

**ATTEST:**



**DEBORA R. PINE, TOWNSHIP CLERK**

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

RESOLUTION OF THE TOWNSHIP COMMITTEE  
OF THE TOWNSHIP OF ELK

RE: RESOLUTION ENDORSING BEST PRACTICES INVENTORY

**WHEREAS** the State of New Jersey Fiscal Year 2012 Appropriations Act requires the Division of Local Government Services to determine how much of each municipality's final 5% allocation of CMPTRA and ETR aid will be disbursed based upon the results of a Best Practices Inventory completed by each municipality; and

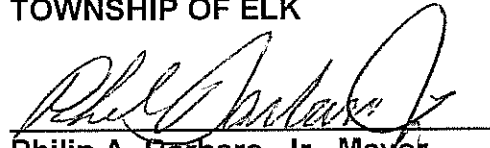
**WHEREAS** the Township of Elk Municipal Chief Financial Officer, Stephen Considine has completed the CY 2011 Best Practice Inventory; and

**WHEREAS** the Township Committee of the Township of Elk has considered the Inventory at their regular meeting of September 1, 2011 and has approved the submission of the Inventory.

**NOW, THEREFORE, BE IT RESOLVED** that the Township Committee of the Township of Elk endorses the filing of the CY2011 Best Practice Inventory.

**DATE: September 1, 2011**

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**CERTIFICATION**

I, Debora R. Pine, Township Clerk of the Township of Elk, County of Gloucester, do hereby certify that the foregoing is a true and complete copy or a resolution adopted by the Township Committee of the Township of Elk in the County of Gloucester, at a meeting held on September 1, 2011.

  
DEBORA R. PINE, TOWNSHIP CLERK

**RESOLUTION R-94-2011**

**RESOLUTION OF THE TOWNSHIP OF ELK  
TO GO INTO CLOSED EXECUTIVE SESSION TO DISCUSS  
POTENTIAL LITIGATION**

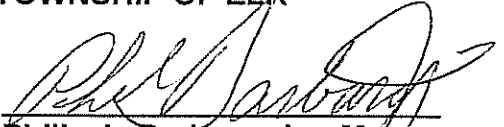
**WHEREAS** N.J.S.A. 10:4-12B. (7) permits the Township Committee to enter into Closed Executive Session and exclude the public from portions of the meeting to discuss personnel, litigation and/or contract negotiations in which the public body is, or may be a party or which involves any matters falling within the attorney-client privilege, to the extent that confidentiality is required in order for the attorney to exercise his ethical duties as a lawyer; and

**WHEREAS** pursuant to N.J.S.A. 10:4-13, the Township Committee must first adopt a Resolution at a meeting which the public is admitted stating the general nature of the subject to be discussed and as precisely as possible at time when the circumstances under which the discussion conducted in Closed Executive Session can be disclosed to the public; and

**NOW, THEREFORE, BE IT RESOLVED**, that the time when and circumstances under which the discussion conducted in Closed Executive Session of the public body can be disclosed to the public will be at the conclusion of the beforementioned contract negotiation.

**THIS RESOLUTION WAS DULY ADOPTED** at the Regular Meeting of the Township Committee of the Township of Elk held on the 1<sup>st</sup> day of September 2011 and is duly certified by the Clerk to embody the determination made by the Committee at that hearing date.

**TOWNSHIP OF ELK**

  
Philip A. Barbaro, Jr., Mayor

**ATTEST:**

  
DEBORA R. PINE, TOWNSHIP CLERK

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK  
APPOINTING JOHN McCLAY AS THE ACTING ELECTRICAL SUBCODE OFFICIAL  
OF THE TOWNSHIP OF ELK**

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**WHEREAS**, the Township of Elk has terminated a shared service agreement with the Township of Franklin for Electrical Inspector and Subcode Review Official, by Resolution R-55-2011, effective August 31, 2011; and

**WHEREAS**, the Township of Elk has the need for an Acting Electrical Sub-Code Official; and

**WHEREAS**, it is the desire of the Township Committee to appoint John McClay as Acting Electrical Subcode Official for a period not to exceed sixty (60) days pursuant to N.J.A.C. 5:23-4.4.

**NOW, THEREFORE, BE IT RESOLVED** by The Township Committee of Elk Township that John McClay is hereby appointed Acting Electrical Subcode Official for a period not to exceed sixty (60) days effective September 6, 2011.

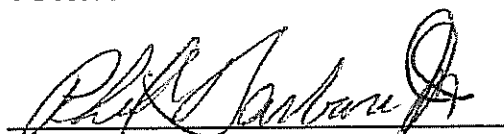
**BE IT FURTHER RESOLVED** that the salary of the Acting Electrical Subcode Official shall be determined by the Township Committee as promulgated in the salary ordinance of the Township of Elk.

**ADOPTED** at a regular meeting of the Township Committee of the Township of Elk held on September 1, 2011.

**TOWNSHIP OF ELK**

**ATTEST:**

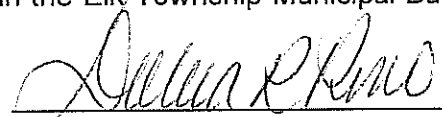
  
DEBORA R. PINE, TOWNSHIP CLERK

  
Philip A. Barbaro, Jr., Mayor

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

**CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on September 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

  
DEBORA R. PINE  
Township Clerk

## RESOLUTION R-96-2011

### RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK AUTHORIZING AND AWARDING A POWER PURCHASE AGREEMENT ("PPA") WITH RCL ENTERPRISES, INC/SOLAR ELECTRIC NJ, LLC FOR THE PURCHASE OF ELECTRICITY GENERATED FROM SOLAR ENERGY ON MUNICIPAL PROPERTY WITHIN THE TOWNSHIP OF ELK, GLOUCESTER COUNTY, NEW JERSEY

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**WHEREAS**, in effort to reduce municipal expenditures, the Mayor and Committee of the Township of Elk have obtained quotes from vendors to design, install, operate and maintain photovoltaic generation equipment which produces electricity from solar energy; and

**WHEREAS**, the Township of Elk desires to engage the Power Purchase Agreement ("PPA") vendor as its provider of electricity generated by the solar facility which will result in annual reductions in the Township's electric energy expense; and

**WHEREAS**, the Mayor and Committee received three quotes from the following PPA providers:

- 1) Alternative Electric, Inc.;
- 2) RCL Enterprises, Inc./Solar Electric NJ, LLC; and
- 3) Renergy; and

**WHEREAS**, after submitting their proposal, Renergy advised the Township Clerk that they were withdrawing their quote for consideration; and

**WHEREAS**, each proposed PPA Agreement is for a term of fifteen (15) years; and

**WHEREAS**, the remaining two PPA Agreements proposed an 80 (Alternative Electric, Inc.) and 91 (RCL Enterprises, Inc.) KW DC solar electric facility to be constructed, operated and maintained on municipal property; and

**WHEREAS**, the proposed PPA Agreement would not require any capital expenditure from the Township of Elk; and

**WHEREAS**, pursuant to N.J.S.A. 40A:11-4.1(k), the Township may use competitive contracting in lieu of public bidding for procurement of specialized goods and services, the price of which exceeds the bid threshold; and

**WHEREAS**, the Division of Local Government Services in the Department of Community Affairs has, by its Local Finance Notice (LFN 2009-10) dated June 12, 2009, authorized the use of competitive contracting for solar power purchase agreements; and

**WHEREAS**, the Mayor and Committee desires to use competitive contracting to procure the above-mentioned specialized services; and

**WHEREAS**, RCL Enterprises, Inc./Solar Electric NJ LLC has provided the Mayor and Committee with the most advantageous proposed PPA Agreement whereby the initial average PPA rate is \$.07 kW and a projected cumulative savings during the fifteen (15) year term of \$213,502.38; and

**WHEREAS**, the Township of Elk desires to purchase One-Hundred (100%) Percent of the renewable energy generated from the solar facility at rates not to exceed those defined in the PPA; and

**WHEREAS**, execution of the PPA by the Mayor would be further subject to the negotiation and inclusion in any PPA and/or Site Lease or License Agreement of such additional terms and conditions (not inconsistent with the terms set forth in this Resolution) deemed necessary and appropriate by the Township Committee and Solicitor; and

**WHEREAS**, it is in the best interests of the residents of the Township of Elk to award a Power Purchase Agreement to RCL Enterprises, Inc./Solar Electric NJ LLC for a term of fifteen (15) years.

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Elk, County of Gloucester and State of New Jersey that the Mayor and Clerk are hereby authorized to execute a Power Purchase Agreement and Site Lease or License Agreement with RCL Enterprises, Inc./Solar Electric NJ LLC for a term not to exceed fifteen (15) years, and subject to the inclusion of additional terms and conditions in the PPA and Site Lease or License Agreement as set forth above.

**BE IT FURTHER RESOLVED** that the Mayor and Township Clerk are hereby authorized and directed to take all actions and execute all documents necessary to carry out the purpose of this Resolution.

**ADOPTED** at a regular meeting of the Elk Township Committee held on September 1, 2011.

**TOWNSHIP OF ELK**

BY: 

**PHILIP A. BARBARO, JR., Mayor**

**ATTEST:**

  
**DEBORA R. PINE, Township Clerk**

Motion by Mr. Pantaleo

Seconded by Mrs. Sammons

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey			✓	
Sammons	✓			
Swanson	✓			
Barbaro	✓			

#### **CERTIFICATION**

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on September 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.



**DEBORA R. PINE**  
Township Clerk

**RESOLUTION OF THE MAYOR AND COMMITTEE OF THE TOWNSHIP OF ELK  
AUTHORIZING A REFUND TO WILLIAM P. SEHER FOR PAYMENTS MADE FOR  
TAXES AND A TAX SALE CERTIFICATE RELATING TO BLOCK 162, LOT 1**

**WHEREAS**, on or about December 4, 2002, William P. Seher purchased Tax Sale Certificate No. 02-053 at a public sale of lands for delinquent municipal liens relating to Block 162, Lot 1; and

**WHEREAS**, the Township of Elk Tax Assessor erroneously assessed said property to Hobart Shephard, III; and

**WHEREAS**, a title search performed by the purchaser of the Tax Sale Certificate, William P. Seher, determined that Hobart Shephard, III has never been the record owner of Block 162, Lot 1 (f/k/a Block 176, Lot 1); and

**WHEREAS**, William P. Seher has paid a total of \$3,038.80 to acquire Tax Sale Certificate No. 02-053 and subsequent taxes; and

**WHEREAS**, the sum of \$3,038.80 should be refunded to William P. Seher in return for the erroneously issued Tax Sale Certificate No. 02-053; and

**WHEREAS**, the Tax Collector or Tax Assessor shall correct the Township's tax records to identify the correct owner of Block 162, Lot 1, or if the correct owner cannot be identified, the Tax Collector or Tax Assessor shall identify the owner as "Unknown Owner."

**NOW, THEREFORE, BE IT RESOLVED** by the Mayor and Committee of the Township of Elk, County of Gloucester and State of New Jersey as follows:

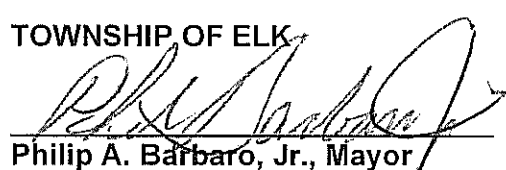
1. The sum of \$3,038.80 shall be refunded to William P. Seher.
2. The Tax Collector or Tax Assessor shall correct the Township's tax records to identify the correct owner of Block 162, Lot 1, or if the correct owner cannot be identified, the Tax Collector or Tax Assessor shall identify the owner as "Unknown Owner."

**ADOPTED** at a regular meeting of the Township Committee of the Township of Elk held on September 1, 2011.

ATTEST:

  
DEBORA R. PINE, TOWNSHIP CLERK

TOWNSHIP OF ELK

  
Philip A. Barbaro, Jr., Mayor

ROLL CALL VOTE				
COMMITTEE	AYES	NAYS	ABSTAIN	ABSENT
Pantaleo	✓			
Rainey	✓			
Sammons	✓			
Swanson	✓			
Barbaro	✓			

## CERTIFICATION

I hereby certify that the above resolution is a true copy of a resolution adopted by the Township Committee of the Township of Elk, County of Gloucester, State of New Jersey, at a meeting held by the same on September 1, 2011 in the Elk Township Municipal Building, 667 Whig Lane Road, Monroeville, New Jersey.

A handwritten signature in cursive script, appearing to read "Debora R. Pine", written in black ink.

---

DEBORA R. PINE  
Clerk

R-97-2011

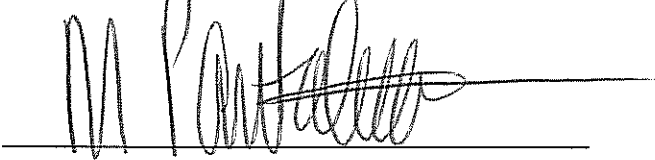


# BILL APPROVAL

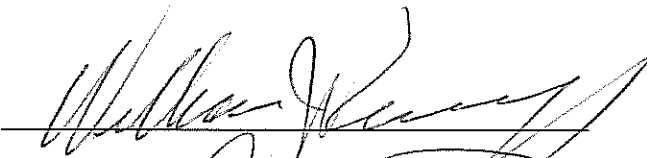
September 1, 2011  
(THREE SIGNATURES REQUIRED)



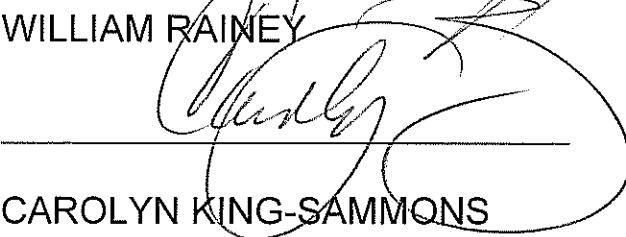
PHILIP A. BARBARO JR.



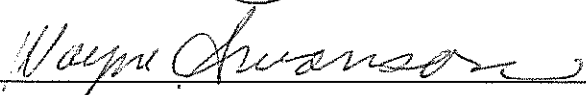
MICHAEL PANTALEO



WILLIAM RAINEY



CAROLYN KING-SAMMONS



WAYNE SWANSON



**BILL APPROVAL**  
**September 1, 2011**  
**Bank Wires and Manual Checks**

**GENERAL ACCOUNT:**

1) Elk Township	11-00769	\$57,413.00
2) Elk Township	11-00798	\$53,180.41

08/31/11  
21:19:45

TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 1

Batch Id: 5C Batch Type: C Batch Date: 09/01/11 Checking Account: CURRENT G/L Credit: Budget G/L Credit  
Generate Direct Deposit: N

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-00783	08/23/11	09/01/11 A0108 AED SUPERSTORE 1 AED LIFE PACK 500 - BATTERY	248.00	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	27
			----- 248.00				
11-00777	08/21/11	09/01/11 A0157 AM/PM SERVICES 1 9/23/11-FOLEY, ANNA	184.00	1-01- -011-226 EDUCATION & CONFERENCES	Budget	Aprv	21
			----- 184.00				
11-00744	08/11/11	09/01/11 A0255 ATLAS FLASHER SUPPLY CO 1 DL 35 FOR CROWN VIC	239.95	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	9
			----- 239.95				
11-00793	08/27/11	09/01/11 A0260 ATLANTIC CITY ELECTRIC 1 AUGUST STREETLIGHTS	903.54	1-01- -037-222 STREET LIGHTING EXPENSE	Budget	Aprv	36
11-00793	08/27/11	2 AUGUST ELECTRIC	2,716.35	1-01- -037-223 ELECTRICITY	Budget	Aprv	37
			----- 3,619.89				
11-00743	08/11/11	09/01/11 A0359 AUTO SHINE CAR WASH 1 JULY SERVICE	72.50	1-01- -029-225 MISCELLANEOUS	Budget	Aprv	8
			----- 72.50				
11-00754	08/13/11	09/01/11 B0200 VERIZON 1 856-881-0342 -MONTHLY	25.95	1-01- -037-224 TELEPHONE	Budget	Aprv	11
			----- 25.95				
11-00735	08/09/11	09/01/11 B0202 VERIZON WIRELESS 1 WIRELESS AIR CARDS	80.02	1-01- -037-224 TELEPHONE	Budget	Aprv	6
			----- 80.02				
11-00791	08/27/11	09/01/11 C0082 CETTEI & CONNELL, INC. 1 GENERAL BOND-GLOU CTY P.W.	100.00	1-01- -026-223 LIABILITY (JIF/SURITY)	Budget	Aprv	34
			----- 100.00				

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21:19:45

TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 2

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-00779	08/21/11	09/01/11 C0167 COMCAST 1 MONTHLY SERVICE	95.12	1-01- -037-224 TELEPHONE	Budget	Aprv	23
			----- 95.12				
11-00780	08/21/11	09/01/11 D0139 DEERPARK 1 WATER	95.79	1-01- -020-225 MISCELLANEOUS	Budget	Aprv	24
			----- 95.79				
11-00795	08/27/11	09/01/11 D0143 DEGREE LANDSCAPING 1 LAWN SERVICE WEEK OF 8/21-8/27	1,715.00	1-01- -020-251 REC-CONTRACT SERVICES	Budget	Aprv	38
			----- 1,715.00				
11-00566	06/12/11	09/01/11 D0150 DELSEA REGIONAL HIGH SCHOOL 3 9/7/2011	277,350.79	1-01- -905-002 REGIONAL SCHOOL TAXES	Budget	Aprv	2
			----- 277,350.79				
11-00792	08/27/11	09/01/11 D0155 DELTA DENTAL PLAN OF NJ 1 SEPTEMBER DENTAL	1,460.85	1-01- -026-222 GROUP INSURANCE PLAN	Budget	Aprv	35
			----- 1,460.85				
11-00559	06/12/11	09/01/11 D0360 DOCUMENT CONCEPTS, INC. 1 CARBONLESS DAILY NOTICES	199.00	1-01- -050-224 PRINTING OF FORMS	Budget	Aprv	1
			----- 199.00				
11-00786	08/27/11	09/01/11 F0350 FIRST DUE EMERGENCY SUPPLY CO. 1 CASE FOR LOCKOUT KIT	29.95	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	30
			----- 29.95				
11-00776	08/21/11	09/01/11 F0525 FRED HARZ & SONS 1 GATOR TIRE REPAIR	6.00	1-01- -034-239 REPAIRS TO EQUIPMENT	Budget	Aprv	20
			----- 6.00				
11-00778	08/21/11	09/01/11 G0300 GLOUCESTER COUNTY TIMES 1 ADVERTISING-INSPECTOR	115.30	1-01- -046-228 ADVERTISEMENTS	Budget	Aprv	22

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TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 3

Check No.	Check Date	Vendor # Name	Payment Amt	Charge Account Description	Account Type	Status	Seq
PO #	Enc Date	Item Description					
			----- 115.30				
11-00746	09/01/11 08/11/11	H0275 HOME DEPOT 1 AIR FILTERS	83.37	1-01- -020-243 REPAIRS & SUPPLIES FOR BLDG	Budget	Aprv	10
			----- 83.37				
11-00771	09/01/11 08/21/11	K0225 MARGARET KOTARSKI 1 COURT AUGUST	135.00	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	13
			----- 135.00				
11-00721	09/01/11 08/02/11	L0055 LAWSON PRODUCTS, INC. 1 PAINT, ETC	378.88	1-01- -034-236 EQUIPMENT & SUPPLIES	Budget	Aprv	5
			----- 378.88				
11-00782	09/01/11 08/21/11	L0060 LAWNS VOLUNTEER FIRE COMPANY 1 POSHA FUNDS 2011	291.00	1-01- -052-222 OSHA FIRE CONTRIBUTIONS	Budget	Aprv	26
			----- 291.00				
11-00772	09/01/11 08/21/11	L0440 GARY H. LOMANNO ESQ. 1 JULY-SEPTEMBER PUBLIC DEFENDER	1,250.00	1-01- -051-221 PUBLIC DEFENDER OE	Budget	Aprv	14
			----- 1,250.00				
11-00738	09/01/11 08/09/11	M0018 MAJESTIC OIL COMPANY, INC. 1 7/29 DIESEL	489.96	1-01- -037-226 GASOLINE/DIESEL	Budget	Aprv	7
11-00790	08/27/11	1 8/22 DIESEL	734.31	1-01- -037-226 GASOLINE/DIESEL	Budget	Aprv	32
11-00790	08/27/11	2 8/23 REGULAR	2,022.01	1-01- -037-226 GASOLINE/DIESEL	Budget	Aprv	33
			----- 3,246.28				
11-00781	09/01/11 08/21/11	Q0100 QC LABORATORIES 1 8/3/11 WATER TESTING	388.00	1-01- -020-225 MISCELLANEOUS	Budget	Aprv	25
			----- 388.00				
11-00775	09/01/11 08/21/11	R0061 RALPH'S TOWING & AUTO, LLC 1 01 HYUNDAI-SERVICE,TIRE,	534.39	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	17

08/31/11  
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TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 4

Check No. PO #	Check Date Enc Date	Vendor # Name Item Description	Payment Amt	Charge Account Description	Account Type	Status	Seq
11-00775	08/21/11	2 CV-BLEND DOOR MOTOR	528.06	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	18
11-00775	08/21/11	3 EXPEDIT:OIL,FUES,FILTER,BRAKES	399.90	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	19
11-00784	08/27/11	1 00 CV-SERVICE,WIPER MOTOR,ETC	205.11	1-01- -061-226 POLICE VEHICLE MINOR REPAIR	Budget	Aprv	28
			----- 1,667.46				
	09/01/11	S0008 SAFARILAND, LLC					
11-00774	08/21/11	1 NIK TEST BOX	188.34	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	16
			----- 188.34				
	09/01/11	S0025 SAR AUTOMOTIVE EQUIPMENT, INC.					
11-00700	07/31/11	1 LIFT INSPECTION	207.50	1-01- -034-236 EQUIPMENT & SUPPLIES	Budget	Aprv	4
			----- 207.50				
	09/01/11	S0455 LUZ S. SMITH					
11-00770	08/21/11	1 COURT AUGUST	300.00	1-01- -050-225 MISCELLANEOUS	Budget	Aprv	12
			----- 300.00				
	09/01/11	S0556 STATE OF NEW JERSEY					
11-00797	08/28/11	1 ANNUAL ASSESSMENT 222-057-126	312.73	1-01- -049-225 UNEMPLOYMENT FUND	Budget	Aprv	39
			----- 312.73				
	09/01/11	S0600 SOUTHERN PEST CONTROL					
11-00788	08/27/11	1 MONTHLY SERVICE AUGUST	48.00	1-01- -020-243 REPAIRS & SUPPLIES FOR BLDG	Budget	Aprv	31
			----- 48.00				
	09/01/11	T0160 TEKK COMM COMMUNICATIONS					
11-00785	08/27/11	1 MOTOROLA BATTERY	67.00	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	29
			----- 67.00				
	09/01/11	T0600 TREASURER OF SCHOOL MONEYS					
11-00567	06/12/11	3 09/07/2011	194,402.50	1-01- -905-001 LOCAL SCHOOL TAXES	Budget	Aprv	3
			----- 194,402.50				
	09/01/11	W0318 WIRELESS ELECTRONICS, INC.					

08/31/11  
21:19:45

TOWNSHIP OF ELK  
Check Payment Batch Verification Listing

Page No: 5

Check No.	Check Date	Vendor # Name		Payment Amt	Charge Account Description	Account Type	Status	Seq
PO #	Enc Date	Item Description						
11-00773	08/21/11	1 BELT CLIP		20.00	1-01- -029-236 EQUIPMENT & SUPPLIES	Budget	Aprv	15
				20.00				

	Count	Line Items	Amount
Checks:	33	39	488,624.17

There are NO errors or warnings in this listing.